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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert M. Carlson et al.

Title: ANTI-FUNGAL FORMULATION OF TRITERPENE AND ESSENTIAL OIL

Docket No.: 1339.016US1

Serial No.: 10/816,804

Filed: April 2, 2004

Due Date: N/A

Examiner: Unknown

Group Art Unit: 1617

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.
- ☒ Request to Correct Inventorship (1 Page).
- ☒ Authorization to charge to Deposit Account 19-0743 in the amount of \$130.00 to cover the fee for the Request to Correct Inventorship.
- ☒ Statement Pursuant to 37 CFR 1.48(a)(2) (1 pg.).
- ☒ Consent of Assignee to Correct Inventorship (1 pg.).
- ☒ Consent of Assignee to Correct Inventorship (1 pg.).
- ☒ Substitute Combined Declaration and Power of Attorey (12 pgs.).

If not provided for in a separate paper filed herewith, Please consider this a **PETITION FOR EXTENSION OF TIME** for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

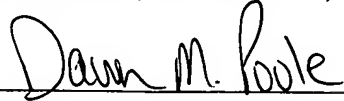
Customer Number 21186

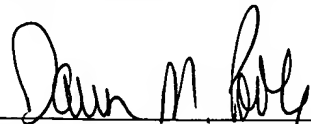
By: 

Atty: Gary J. Speier

Reg. No. 45,458

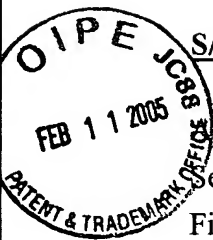
CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8th day of February, 2005.

  
Name

  
Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

(GENERAL)



S/N 10/816,804

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert M. Carlson et al. Examiner: Unknown  
Serial No.: 10/816,804 Group Art Unit: 1617  
Filed: April 2, 2004 Docket: 1339.016US1  
Title: ANTI-FUNGAL FORMULATION OF TRITERPENE AND ESSENTIAL OIL

REQUEST TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. 1.48(a)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 1.48(a), Applicant hereby requests that the inventorship of the above-identified patent application be corrected from the joint inventorship of Robert M. Carlson and David J. Gibson to the joint inventorship of Robert M. Carlson, David J. Gibson and Pavel A. Krasutsky.

This Request is accompanied by a Statement from Pavel A. Krasutsky, an Oath/Declaration pursuant to 37 C.F.R. § 1.63, Consent of Assignee and the fee set forth in 37 C.F.R. § 1.17(i). Therefore, correction of the inventorship of the present application is appropriate under 37 C.F.R. § 1.48(a), and is respectfully requested.

Respectfully submitted,

ROBERT M. CARLSON ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 359-3261

Date

2/7/05

By

Gary J Speier  
Reg. No. 45,458

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8th day of February, 2005.

Name

Dawn M. Poole

Signature

Dawn M. Poole



S/N 10/816,804

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert M. Carlson et al.

Examiner: Unknown

Serial No.: 10/816,804

Group Art Unit: 1617

Filed: April 2, 2004

Docket: 1339.016US1

Title: ANTI-FUNGAL FORMULATION OF TRITERPENE AND ESSENTIAL OIL

STATEMENT PURSUANT TO 37 C.F.R. 1.48(a)(2)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Pavel A. Krasutsky, hereby state that the error which caused the inventive entity to be set forth in error in the executed declaration filed on September 21, 2004 in the above-identified application arose without any deceptive intent on my part.

Date

01/03/05

Pavel A. Krasutsky

*[Handwritten signature of Pavel A. Krasutsky]*



S/N 10/816,804

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Robert M. Carlson et al.	Examiner:	Unknown
Serial No.:	10/816,804	Group Art Unit:	1617
Filed:	April 2, 2004	Docket:	1339.016US1
Title:	ANTI-FUNGAL FORMULATION OF TRITERPENE AND ESSENTIAL OIL		

CONSENT OF ASSIGNEE TO CORRECT INVENTORSHIP

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NaturNorth Technologies, LLC., 5013 Miller Trunk Highway, Duluth, MN 55811 (a corporation existing under the laws of the State of Delaware), being the joint owner of the above-identified application, as evidenced by the Assignment from David J. Gibson filed with the United States Patent and Trademark Office on September 21, 2004 (copy enclosed), and Regents of the University of Minnesota, 450 McNamara Alumni Center, 200 Oak Street S.E., Minneapolis, MN 55455-2070 as evidence by the Assignment from Robert M. Carlson, filed with the United States Patent and Trademark Office on September 21, 2004 (copy enclosed), hereby consent to the change of inventorship in the above-identified application from the joint inventorship of Robert M. Carlson and David J. Gibson to the joint inventorship of Robert M. Carlson, David J. Gibson and Pavel A. Krasutsky.

I declare that I am an Official of the Assignee who is empowered to authorize this consent.

Date: 1/21/05 By: David F. Peterson  
Name: DAVID F. PETERSON  
Title: PRESIDENT & CEO  
NaturNorth Technologies, LLC



S/N 10/816,804

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Robert M. Carlson et al.	Examiner:	Unknown
Serial No.:	10/816,804	Group Art Unit:	1617
Filed:	April 2, 2004	Docket:	1339.016US1
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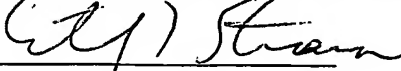
I declare that I am an Official of the Assignee who is empowered to authorize this consent.

Date: 12/13/04 By: 

Name: Michael F. Moore

Title: Director, Health Technologies  
Regents of the University of Minnesota

I declare that I am an Official of the Assignee who is empowered to authorize this consent.

Date: 12-15-04 By: 

Name: Anthony L. Strauss

Title: Acting Assistant Vice President  
Regents of the University of Minnesota



SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

**United States Patent Application**  
SUBSTITUTE COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **ANTI-FUNGAL FORMULATION OF TRITERPENE AND ESSENTIAL OIL.**

The specification of which was filed on April 2, 2004 as application serial no. 10/816,804.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. § 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

**Application Number**  
60/459742

**Filing Date**  
April 2, 2003

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**No such claim for priority is being made at this time.**

I hereby appoint the attorneys associated with the customer number listed below to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

**Customer Number: 21186**

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:

**P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612)373-6900**

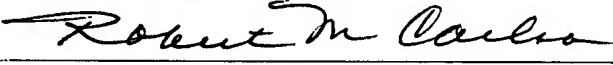
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Robert M. Carlson**

Citizenship: **United States of America**

Residence: **Duluth, MN**

Post Office Address: **2231 East Third Street  
Duluth, MN 55812**

Signature:   
Robert M. Carlson

Date: 1/3/05

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

Full Name of joint inventor number 2 : **David J. Gibson**

Citizenship: **United States of America**

Residence: **Woodbury, NJ**

Post Office Address: **1339 Vallee Drive  
Woodbury, NJ 08096**

Signature: \_\_\_\_\_  
David J. Gibson

Date: \_\_\_\_\_

---

Full Name of joint inventor number 3 : **Pavel A. Krasutsky**

Citizenship: **Ukraine**

Residence: **Duluth, MN**

Post Office Address: **4343 E. Wildlife Drive  
Duluth, MN 55803**

Signature: \_\_\_\_\_  
Pavel A. Krasutsky

Date: \_\_\_\_\_

---



§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

# United States Patent Application

## SUBSTITUTE COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

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60/459742

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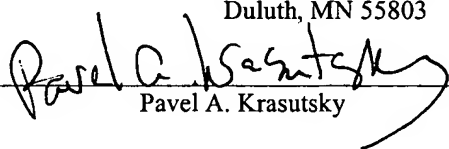
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Full Name of joint inventor number 3 : **Pavel A. Krasutsky**

Citizenship: **Ukraine**

Residence: **Duluth, MN**

Post Office Address: **4343 E. Wildlife Drive  
Duluth, MN 55803**

Signature:  \_\_\_\_\_  
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Signature: \_\_\_\_\_  
Robert M. Carlson

Date: \_\_\_\_\_

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Citizenship: United States of America

Residence: Woodbury, NJ

Post Office Address: 1339 Vallee Drive  
Woodbury, NJ 08096

Signature: David J. Gibson  
David J. Gibson

Date: 01/03/05

Full Name of joint inventor number 3 : Pavel A. Krasutsky

Citizenship: Ukraine

Residence: Duluth, MN

Post Office Address: 4343 E. Wildlife Drive  
Duluth, MN 55803

Signature: Pavel A. Krasutsky  
Pavel A. Krasutsky

Date: \_\_\_\_\_



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(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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